

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

02418.0913-00

U.S. APPLICATION NO.  
(If known, see 37CFR1.5)

10/523,520

INTERNATIONAL APPLICATION NO.  
PCT/EP03/08176

INTERNATIONAL FILING DATE  
July 24, 2003

PRIORITY DATE CLAIMED  
August 9, 2002

**TITLE OF INVENTION**

**DAMPING DEVICE FOR A BALL GAMES RACKET**

**APPLICANT(S) FOR DO/EO/US**

**Herfried LAMMER and Jürgen WILKE**

Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
6. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
7. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
8. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
9. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

10. ☐ Information Disclosure Statement under 37 CFR 1.97 and 1.98
11. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
12. ☐ A **FIRST** preliminary amendment.
13. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A Substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
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19. ☒ Other items or information:
  - a. ☐ Copy of cover page of International Publication No. WO
  - b. ☒ Copy of Notification of Missing Requirements.
  - c. ☒ Response to Notification of Missing Requirements.

**CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"**

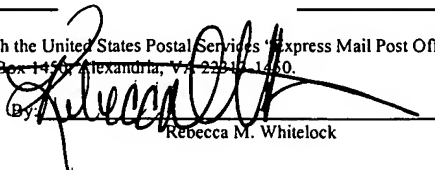
EV 708 642 415 US


November 21, 2005

USPS Express Mail Label Number

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22304-1450.

  
Rebecca M. Whitelock

U.S. APPLICATION NO. (If known, see 37CFR 1.5) <b>10/523,520</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP03/08176</b>		ATTORNEY'S DOCKET NO. <b>02418.0913-00</b>	
21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b>  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1060.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$900.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$750.00</b>  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$720.00</b>  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33 (1)-(4) ..... <b>\$100.00</b>  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT = \$0</b></div>				CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$130.00	
CLAIMS	NUMBER OF CLAIMS AFTER PRELIM. AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID	EXTRA CLAIMS	RATE	
Total Claims	27	20	23	4 x \$18.00	\$0
Independent Claims	1	3	1	0 x \$84.00	\$0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+\$280.00	\$0
<b>TOTAL OF THE ABOVE CALCULATIONS =</b>					<b>\$130.00</b>
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					\$0
<b>SUBTOTAL =</b>					<b>\$130.00</b>
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest priority date (37 CFR 1.492(f)).					\$0
<b>TOTAL FEES =</b>					<b>\$130.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				+	\$0
<b>TOTAL FEES ENCLOSED =</b>					<b>\$130.00</b>
11/30/2005 GFREY1 00000108 060916 10523520 01 FC:1617 130.00 DA				Amount to be refunded:	\$
				charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>06-0916</u> in the amount of \$ <u>130.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.					
<b>SEND ALL CORRESPONDENCE TO:</b> Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, D.C. 20005-3315					
DATED: November 21, 2005				 SIGNATURE	
				Andrew B. Schwaab      Reg. No. 38,611 NAME/REGISTRATION NO.	

CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"

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November 21, 2005

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By

Rebecca M. Whitelock

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Herfried LAMMER et al.

) Group Art Unit: 3711

Application No.: 10/523,520

) Examiner: Not Yet Assigned

Filed: February 4, 2005

) Confirmation No.: 1370

For: DAMPING DEVICE FOR A BALL  
GAMES RACKET

**Mail Stop Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 ("Notice") mailed September 19, 2005, Applicants submit a Declaration/Power of Attorney for filing in this application, the required fee of \$130.00, and a copy of the Notice.

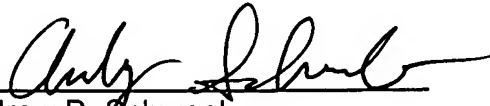
Please associate the enclosed declaration with the application, grant any extensions of time required to enter this response, and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 21, 2005

By:

  
Andrew B. Schwaab  
Reg. No. 38,611



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/523,520	Herfried Lammer	02418-0913

INTERNATIONAL APPLICATION NO.	
PCT/EP03/08176	
I.A. FILING DATE	PRIORITY DATE
07/24/2003	08/09/2002

22852  
 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
 LLP  
 901 NEW YORK AVENUE, NW  
 WASHINGTON, DC 20001-4413

CONFIRMATION NO. 1370

371 FORMALITIES LETTER



\*OC000000016998536\*

SEP 22 2005

Date Mailed: 09/19/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/04/2005
- English Translation of the IA filed on 02/04/2005
- Copy of the International Search Report filed on 02/04/2005
- Copy of IPE Report filed on 02/04/2005
- Copy of Annexes to the IPER filed on 02/04/2005
- Information Disclosure Statements filed on 02/04/2005
- Copy of references cited in ISR filed on 02/04/2005
- U.S. Basic National Fees filed on 02/04/2005
- Priority Documents filed on 02/04/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/523,520	PCT/EP03/08176	02418-0913

FORM PCT/DO/EO/905 (371 Formalities Notice)

IAP10 Rec'd PCT/PTO 21 NOV 2005 #5

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11/30/2005 MKAYPAGH 00000115 060916 10523520					Amount to be refunded:
01 FC:1615 200.00 DA					\$
					charged:
					\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>06-0916</u> in the amount of \$ <u>72.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card          information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
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DATED: November 21, 2005				<div style="text-align: center;">           SIGNATURE  <b>Andrew B. Schwaab</b>      Reg. No. 38,611          NAME/REGISTRATION NO.       </div>	